

The Honorable Rosanna Malouf Peterson

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT YAKIMA**

JAMES BERG,) No.: 1:19-CV-03216-RMP
)
 Plaintiffs,) **JOINT MOTION TO**
 v.) **CONTINUE ALL PENDING**
) **DEADLINES**
 C. R. BARD INCORPORATED,) **05/15/2021**
 BARD PERIPHERAL VASCULAR,) **Without Oral Argument**
 INCORPORATED,)
)
 Defendants.)

**JOINT
MOTION TO CONTINUE
ALL PENDING DEADLINES**

No. 1:19-CV-03216-RMP

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1 On April 14, 2021, the Court informed the parties that, “due to unforeseen
2 delays by the General Services Administration,” the courtrooms reserved in the
3 Spokane courthouse for the jury trial of this case are unavailable for the scheduled
4 trial date of May 10, 2021.

5 Accordingly, Plaintiff James Berg and Defendants C. R. Bard, Inc. and Bard
6 Peripheral Vascular, Inc. (collectively “Bard”) move the Court to continue all
7 pending deadlines, including the pretrial conference date and trial date, until such
8 time that the Court enters an amended scheduling order. To that end, the Court set
9 a status conference on April 23, 2021. (ECF No. 139.)

10 As indicated in the current scheduling order, “[p]ursuant to Fed. R. Civ. P. 16,
11 this schedule shall not be modified unless the Court finds good cause to grant leave
12 for modifications.” (ECF No. 92 at 8.) “For purposes of Rule 16, ‘good cause’
13 means the scheduling deadlines cannot be met despite the party’s diligence.”
14 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). The
15 parties have diligently complied with the schedule set out in ECF No. 92 and request
16 this continuance only due to circumstances outside of the parties’ control.

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1 Respectfully submitted this 15th day of April, 2021.
2
3

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CERTIFICATE OF SERVICE

I, James F. Rogers, hereby certify that on April 15, 2021, I electronically filed the following:

- **Joint Motion To Continue All Pending Deadlines**

with the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for Plaintiff James Berg

DATED this 15th day of April, 2021.

s/ James F. Rogers
James F. Rogers

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